

**MEETING MINUTES**  
**MAY 3, 2021**  
**VIRTUAL TOWN MEETING**  
**EMMITSBURG TOWN OFFICE**

**Present:** *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Clifford Sweeney, Vice President; T.J. Burns, Treasurer, Joseph Ritz III; and Frank Davis. *Staff Present* - Madeline Shaw, Town Clerk; Zachary Gulden, Town Planner; Amy Naill, Code Enforcement Officer; and Cole Tabler, Town Accountant. *Others Present* – Deputy Ben Whitehouse; and Leslie Powell, Town Attorney.

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**I. Call to Order**

Commissioners O'Donnell, Sweeney, Burns, Ritz III, and Davis joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the May 3, 2021 town meeting to order at 7:41 p.m. The meeting was delayed due to internet problems. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Approval of Minutes**

*Motion:* Commissioner Burns motioned to accept the April 5, 2021 town meeting minutes as modified; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

*Motion:* Commissioner Burns motioned to accept the April 19, 2021 town meeting minutes as modified; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

**Police Report:**

Deputy Ben Whitehouse presented the police report from April 2021 (exhibit attached).

**Town Managers Report:**

Zachary Gulden, Town Planner, presented the Town Manager's Report from March 2021, in lieu of Cathy Willets, Town Managers, absence (exhibit in agenda packet).

**Town Planners Report:**

Zachary Gulden, Town Planner, presented the Planner's Report from March 2021 (exhibit in agenda packet).

**Commissioner Comments:**

- Commissioner Ritz III: He stated Emmitsburg has great businesses, such as the Carriage House, and hopes Stavros will open again soon under new management.
- Commissioner Sweeney: No comments.
- Commissioner Burns: He encouraged the public to learn about new development occurring in Town.
- Commissioner Davis: He encouraged the public to provide feedback on Town projects and events. He thanked Richard Boyd, manager with Jubilee foods, for his service to the community.
- Commissioner O'Donnell: He encouraged the public to voice their opinions to elected officials during the town meetings. He wished everyone a happy mother's day.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in April 2021 (meetings listed in agenda packet). Mayor Briggs attended a Green Team meeting, Sustainable Maryland Smart Communities webinar on electric vehicles, and made a presentation to the 4<sup>th</sup> graders at Mother Seton School for the Town to be certified as a MML Banner Town among other meetings. The Town achieved the 2020 Tree City USA award and 2020 PLANT Green award.

**Public Comments:**

*Sabrina Paxton-Daily* – Ms. Paxton Daily would like to speak on the agenda item regarding the park fee in-lieu of, which has been postponed. She will speak at the next meeting instead.

**Administrative Business:**

None.

**Consent Agenda:**

None.

**Treasurer's Report:**

Commissioner Burns presented the Treasurer's Report for April 2021 (exhibit in agenda packet). The operating balance forward is \$5,549,606. The reimbursement for the water bill overpayment was a typo by the resident.

**Planning Commission Report:**

Commissioner Ritz III reported the last meeting was April 26, 2021 where the Irishtown Road corrected improvement plat was conditionally approved in relation to the Brookfield development. There was one Brookfield resident that was concerned about the brightness of the LED lights proposed for the project.

**II. Agenda Items**

Agenda #1 - Approval of developer to pay a fee in-lieu instead of constructing parkland for Emmit Ridge 2 for consideration: Agenda item postponed. Mayor Briggs and town staff have requested to postpone this item until further notice to allow for further discussions with the developer and Home Owner Associations.

Agenda #2 - Initial presentation of the fiscal year 2022 budget: Mayor Briggs explained each of the Board members should have received a copy of the proposed fiscal year (FY) 2022 budget today. Overall the FY2022 revenue will be approximately \$10,000 higher than FY2021. A brief synopsis of expected revenue and expenses was given. A full presentation of the FY2022 budget will be made at the May 17, 2021 town meeting. Mr. Tabler requested any questions regarding the budget be directed to the staff prior to the May 17, 2021 meeting to allow staff adequate time to gather necessary information. The budget must be passed by June 30, 2021.

Agenda #3 - Approval of the Rutter's public works agreement and authorize Mayor to sign the agreement on behalf of Town for consideration: Mr. Gulden presented the item and explained the agreement outlines the developers, M&G Realty Inc. and SPT Land LLC., responsibilities before the Town will accept management of the pump station and associated sewer infrastructure. The agreement has been reviewed by the town attorney and both developer's attorneys. *Steve Trout, SPT Land Group* – Mr. Trout requested clarification on the change order section in the agreement. *Tyler Eshelman, Associate General Counsel for the Rutter's Companies* – Mr. Eshelman clarified M&G Realty Inc. is the company taking action when the name Rutters is mentioned in the town meeting. *Tim Bieber, Engineer with M&G Realty, Inc.* – Mr. Bieber requested Ms. Powell clarify the change order section and escrow account section. Ms. Powell explained the process of a change order and escrow account for the project. Mr. Bieber stated his consent with the change order language and escrow language. Ms. Powell recommended changing the language of section 5a from saying the Town will withdraw the escrow funds to stating the developers will withdraw the gross amounts from the periodic payment estimates from the escrow account to pay the contractor and notify the Town of the transaction. Mayor Briggs stated his support for the change. *Motion:* Commissioner Ritz III motioned to approve the public works agreement with M&G realty Inc. and SPT Land LLC that the Mayor have the authority to execute the public works agreement on behalf of the Town, subject to the inclusion of all the exhibits referred to in the agreement, and in the event the developers requests a modification to paragraph 5a with respect to the sentence about the developer withdrawing the gross amount instead of the Town, the Town would approve the minor modification without the need to bring it back to the Board; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Agenda #4 - Approval of bid for 3-year (FY2022 to FY2024) trash collection services contract for consideration: Ms. Shaw presented the agenda item. The Town's current trash collection contract will be expiring on June 30, 2021 and a new contract is needed for the Town to continue to provide trash collection and hauling services to residents. The request for proposal was advertised on March 11 – 12, 2021 with a due date of April 8, 2021. Only one bid was received from Republic Services, LLC. Per the town attorney, the Town can accept the one bid if it looks reasonable and all the necessary advertising steps were taken. Town staff recommends the approval of Republic Services, LLC in the amount of \$5.74 per residential unit per month, \$145 per dumpster collection, and

\$0.55 per residential unit per pick-up for bulk trash pick-up. *Motion:* Commissioner Burns motioned to approve the bid as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #5 - Approval of Ordinance 21-07, town election updates, for consideration: Ms. Shaw presented the agenda item. The ordinance was pursued to update the Town Code to reflect state election guidelines and current operating procedures. A summary of edits was given to include requiring election judges to be approved 30 days' sooner, listing election candidates in alphabetical order instead of in order of filing, and providing clearer guidelines on absentee ballot processing. Commissioner Ritz III requested candidates continued to be listed by order of filing. The Board briefly discussed voter identification requirements and if the Town should pursue this as an update in the future. *Motion:* Commissioner Sweeney motioned to accept ordinance 21-07 as presented; second by Commissioner Burns. Yeas – 4; Nays – 1 (Ritz III). The motion passed.

Agenda #6 - Forward Ordinance 21-05, update to Title 16 – Subdivisions, to the Planning Commission for recommendation and set public hearing and final vote for June 21, 2021 for consideration: Mr. Gulden presented the agenda item and summarized the changes to Title 16 to include assigning a 3-year expiration to improvement plats and referencing sidewalk changes to chapter 12.08. The town attorney has reviewed the ordinance. The Board is voting to forward the proposed ordinance to the Planning Commission for review before the ordinance will come back to the Board for a public hearing and final review at the June 21, 2021 town meeting. *Motion:* Commissioner Sweeney motioned to forward ordinance 21-05 to the Planning Commission for review and recommendation and set the public hearing for June 21, 2021; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #7 - Forward Ordinance 21-06, update to Title 17 – Zoning, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration: Mr. Gulden presented the agenda item and reviewed the changes to include an update to the hotel and motel definitions to protect the town and ensure a multi-family dwelling would not be approved in the general commercial district. The town attorney has reviewed the ordinance. The Board is voting to forward the proposed ordinance to the Planning Commission for review before the ordinance will come back to the Board for final review and approval at the June 21, 2021 town meeting. *Motion:* Commissioner Ritz III motioned to forward ordinance 21-06 to the Planning Commission for review and recommendation and set the public hearing for June 21, 2021; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

#### **Set Agenda Items for May 17, 2021 Virtual Town Meeting**

1. Presentation and review of fiscal year (FY) 2022 town budget for consideration.

#### ***Consent Agenda:***

- Approval of multi-user trail workday.

#### **Set Agenda Items for June 7, 2021 Virtual Town Meeting**

1. Review and approval of the fiscal year (FY) 2022 town budget for consideration.
2. Award ADA sidewalk curb ramp project contract for consideration.
3. Approval of the Irishtown Road Transfer Memorandum of Understanding with Frederick County and authorize the Mayor to sign the agreement on behalf of the Town for consideration.
4. Approval of the Brookfield Lots 1-19 Irishtown Road project's right-of-way, temporary grading easement, and public works agreements, and authorize the Mayor to sign the agreements on behalf of the Town for consideration.
5. Approval of bid to construct two small pavilions in E. Eugene Myers Community near the band stand for consideration.

#### ***Consent Agenda:***

- Re-appointment of Wendy Walsh, Wayne Slaughter, Tricia Sheppard, Will Sheppard and Conrad Weaver to the Citizen's Advisory Committee.
- Appointment of Kevin Hagan as an alternate to the Planning Commission.

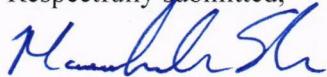
*Motion:* Commissioner Ritz III motioned to approve the May 17, 2021 town meeting agenda; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Burns motioned to approve the June 7, 2021 town meeting agenda; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed. Town staff is also requesting a meeting on June 21, 2021; the agenda will be set at a future town meeting.

**III. Sign Approved Text Amendments and/or Resolutions**

**IV. Adjournment**

With no further business, Commissioner Burns motioned to adjourn the May 3, 2021 town meeting; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The meeting adjourned at 9:42 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk

Minutes Approved On: June 7, 2021